Neighborhood Planning for Community Revitalization

A Primer for Developing a Community-Based Restorative Justice Model

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This brief outline is intended to cover the basic steps involved in building a community-based model of restorative justice. Neighborhood organizations or similar groups who are interested in the concept of restorative justice as a way of holding low-level offenders accountable for their behavior in the community can view this "primer" as a simple guide for conceptualizing a restorative response to crime and making it operational while maximizing the participation of all those who have a stake in the process and outcome.

I. Assess the Situation

The restorative justice model a community uses must be relevant to the particular needs of that community. Building a good restorative justice model begins with good research. Important questions to consider in the assessment phase are:

- What kinds of crime are prevalent in the community?
- How do low-level and serious crime rates compare?
- What is the profile of the offender population (juvenile vs. adult, transient or local, mental health, chemical dependency, or employment issues)?
- What are the community's specific concerns related to crime and safety?
- Which particular crimes are viewed as the most detrimental to the community?
- Do the crimes of greatest concern to the community typically have direct victims, or do they tend to be "victimless" (i.e., cruising, drug dealing, prostitution)?
- Which crimes are considered to be appropriate for resolution through a restorative approach (vs. prosecution, fines, imprisonment)?
- Why is a community restorative justice model needed in this community? (Is the system failing in some respect?)
- In what ways would a restorative solution potentially be more effective or efficient than traditional methods?

There are several ways to gather the relevant data. The crime analysis units of your city, county, and state can provide statistics on arrests in geographically defined areas, along with some demographic information about offenders in those areas. Talking to your neighborhood police officers will provide extremely valuable first-hand information about the local crime situation. It is just as important to interview or survey people who live or do business in the area about their perceptions of crime, safety, and justice. The opinion of community members must be taken into account to fashion an appropriate response to the local problem. Residents and business owners may give priority to certain crimes over others; they may feel that certain categories of offenses are more harmful to individuals or the community than other types of crime in the community. Moreover, involving community members in the early stages of

program development helps build support and participation in later stages, because it gives individuals a greater awareness of their stake in the outcome and enhances their self-perception as important actors in the life of the community.

The significance of a solid understanding of the local crime situation cannot be understated. In 1994, the CCNP neighborhoods in downtown Minneapolis began to investigate their crime problems together when they determined that the formal system was not succeeding in holding low-level offenders accountable for their behavior. Although the neighborhoods faced significant problems with low-level crime, they realized when they began to research the problem that there are major disincentives in the criminal justice system for prosecuting low-level offenders. CCNP learned that with stretched resources, the system was devoting its energies to more serious offenses -- forcing the neighborhoods to tolerate chronic "livability" or "nuisance" crime. Research also helped identify the offender population, which was determined to be mainly comprised of adults. In addition, consultation with community members identified as priority issues those crimes which relate to prostitution, drug dealing, property destruction, and disorderly conduct.

The information CCNP collected helped the neighborhoods to understand systemic weaknesses, frame the local problem, and fashion an appropriate response. In developing a pilot program, they decided to focus on adult offenders, who had been found to commit the bulk of crimes in downtown Minneapolis. CCNP pursued a collaborative relationship with the City Attorney's Office, the agency responsible for adult prosecution. The neighborhoods also formed stronger relationships with the local community policing units and beat officers, who routinely handle the lesser offenses. The specific crimes targeted for the restorative justice intervention were those named by community residents as especially important to community vitality and considered to be appropriate for mediation. Their restorative justice model, "Community Conferencing," is made to fit the particular characteristics of CCNP and the criminal activity occurring in their area.

II. Choose A Model

After researching "the problem," it is essential to invest as much energy in developing the best "solution." There is no single restorative model that is appropriate for all neighborhood-based communities. It is important to find or create one that best fits your needs. A restorative approach is one that emphasizes healing to restore the victim and the community. It does not necessarily involve dialogue; payment of restitution or participation in a work squad, for example, help to repair the damage of crime without a face-to-face

encounter between victims and offenders. Other restorative solutions emphasize the benefits of mediation. Hybrids are not uncommon.

You might begin your search for a good model by exploring restorative justice programs in operation. Keep in mind that not all responses to crime that focus on repairing the harm are referred to outright as "restorative justice." Family Group Conferencing, Circle Sentencing, Victim-Offender Mediation, and Community Boards are some of the more common models involving face-to-face dialogue. Supervised work squads, restitution services, and victim services are other restorative responses to crime which have been in existence for some time. Be sure to read up on restorative justice theory, because the principles can be applied in any number of ways; you may come up with an application of the principles that is original and fits your community's needs better than any existing model or program.

For a community-based system of justice to be authentic, it must be built on civic participation and include local stakeholders in the definition of problems and solutions. The restorative justice model your community develops should also seek to maximize citizen involvement in implementation. Through community meetings which attract important segments of the local population (resident, property management, business, etc.) leaders of an initiative create a forum in which dialogue takes place concerning the system to be established. Engaging the community in the development process can be more than just a way to address crime effectively; it can also be a capacity-building tool, a process that empowers the community to claim authority for resolving local conflicts and to act on its own behalf. Citizens who have an opportunity to participate in collective action - whether related to restorative justice or not - are no longer in a consumer relationship with government, but in fact become producers of the "commonwealth."

The government has a critical role in a restorative method of dealing with crime, even when the model is rooted in the community. The formal criminal justice system has a responsibility for protecting individual rights and providing general oversight for community interventions. In addition, by making system resources available to the community, government agencies can develop a partnership between the community and government for collaborative purposes, providing technical assistance and legal counseling, designating liaisons for planning and implementation, and developing internal procedures to accommodate the needs of a community program.

In Minneapolis, the CCNP neighborhoods have drawn the county courts, local police department, city prosecutors, and public defenders into such a partnership. Police officers identify cases which appear to be good candidates for Community Conferencing; the City Attorney's Office screens each referral for eligibility criteria; and public defenders offer the alternative to defendants when

they appear in court for the first time. The Chief Judge, who was consulted in the planning stages, has given an endorsement from the bench leadership.

A community can also include private organizations in its model. Local resources for implementation such as victim services, ex-offender employment assistance, chemical dependency treatment, mentorships, and counseling might augment a restorative justice program and considerably expand its capacity in terms of meeting the short- and long-term needs of both victims and offenders. How the community brings any private organization into the process is open to question. Referrals to community services might occur before, during, or after a restorative intervention. Connections to such services may be directly tied into the program, or they may be tangential (i.e., made informally on an as-needed basis through community liaisons, coordinators, or advocates).

The design of a model is not complete until it has been determined that ongoing development, implementation, and evaluation are feasible. Consider the source of funding for the program. Do local foundations have grants available for this type of community initiative? Can funding be sustained over the long term? Be sure to take into account all resources, not only financial. The criminal justice system should be willing to commit specific resources like personnel and training dollars to the collaborative project; if government is unable to make the commitment, it is questionable whether the program will survive once in operation. Community resources are vital. Volunteers (as residents, church members, business owners, or civic organization members) are essential to the success of any community-driven model of justice. Local facilities for meeting space should also be identified in this stage. In sum, the scope of the model as conceptualized should be matched by the resources the community is certain it has at its disposal.

Finally, stakeholders must have consensus on the definition of an appropriate and feasible restorative solution to the crime problem. If there is disagreement over the way to proceed, or outright opposition to a proposed model, the program may be jeopardized before it even has a chance to succeed. Consensus requires adequate education about restorative justice concepts, the local crime situation, and the availability of resources, as well as thorough discussion of the alternatives and openness to compromise. It may be the case that different approaches are popular with different groups. If the community cannot agree on a single effort to commit to, perhaps multiple initiatives are warranted. The community might also be able to decide on one model to begin with as a demonstration case -- followed by the implementation of another system at a later date. If the community is too large -- incorporating too many diverse stakeholders -- it may be necessary to limit the program, at least initially, to a smaller portion of that community in order to secure the consensus needed to proceed.

III. Develop the Program

Making your restorative justice program operational may take months of discussions and negotiations as you work to establish the necessary organizational relationships and procedures. Throughout, it is critical to involve and continue building a supportive coalition which includes the primary stakeholders and other interested individuals or groups. In particular, those who will have a role in implementing the program and those who stand to gain or lose must be part of any ongoing conversation about the scope, parameters, and purpose of the model; community members, "systems" people, and participating social service agencies are a few examples.

Stakeholders with an indirect role or stake in the process (such as elected officials or high-level government administrators) should be included in general discussions concerning program development. Building and maintaining the coalition is important because it allows you to get maximum input; hear concerns; offer education about restorative justice and the community's crime situation; generate ideas; secure resources; discuss possible administrative or procedural changes; and ultimately obtain commitments to collaborate on program implementation.

It is up to your organization to determine who the relevant stakeholders are in your community. Some people to consider including in program development are the residents, business owners, and property managers of your neighborhood, in addition to the churches, neighborhood staff, neighborhood boards of directors, and any neighborhood crime or safety committees. Other private organizations, such as social service agencies, may be important to include.

Government personnel should have a direct role, especially administrators who are expected to assist with implementation, as well as elected officials who can advocate on your behalf. The specific government agencies you need to form a working relationship with for the purpose of program design and implementation will depend upon the structure of your model. If your system relies on police participation, for example, you will need to involve the police department directly in your discussions. Or, if your model focuses on young offenders, you must include the agencies who deal with juvenile crime in your area. In Minnesota, the Department of Corrections is especially helpful in providing technical assistance, training, education, and guidance for restorative justice projects. Keep in mind that within the restorative justice framework, the ideal government-community role is a partnership in which the community sets priorities and leads the policy-making process.

Building the infrastructure of your program takes the most time. Although accomplishing change (i.e., new ways of doing business) can be an extremely

slow process, a good coalition will move you along in the right direction as you work together to flesh out and fine-tune the model. Development starts with establishing direct links (that is, liaisons) among the institutions having a role in executing the program. These key people are needed to help determine procedures for referrals, design the case flow and documentation methods, and formulate the monitoring and evaluation components.

Your organization must also train community members and system professionals if appropriate. CCNP, for example, sponsored the training of volunteers in Family Group Conferencing facilitation and successfully petitioned the Minneapolis Police Department to send some of its community policing personnel to the same training. Of course, development includes securing the resources needed to successfully carry out the program. Funding is likely to be needed for salaries, training, and miscellaneous expenses. Be sure in the development phase to think about short- and long-term evaluation; clarify goals and objectives, and try to create performance measures which will indicate the success of your program in operation.

Since it is essential to have general consensus on the program purpose and design, it is wise to obtain a formal endorsement of the program from community groups and participating organizations. Organizations may be more likely to make a formal statement of support if they view the program as a pilot or demonstration, a project with finite limits (a beginning and an end). Not only should the endorsements be in writing, but the finalized procedures should also be formally documented. Spell out the protocol you have developed, including eligibility criteria, referral process, screening, and monitoring. Highlight the goals and objectives. Make sure that information about the program is accessible to all interested persons and groups.

IV. Implementation

When you are ready to implement the program, set a realistic time line for starting up the new system, evaluating it, and reshaping it, if necessary for continued use in the community. Allow for adequate time to "work out the bugs." Monitor the program carefully by tracking outcomes, sharing this information with the organizations who also need to monitor progress, and following through with pre-determined consequences if the process breaks down at any point. Evaluate the program based on the information obtained through monitoring and through feedback from participants and involved organizations. Some evaluation will be geared toward immediate results (such as victim's satisfaction with outcome), while other evaluation may be longer-term (such as reduced recidivism). Update stakeholders and interested parties on the program as it is implemented, using newsletters, phonecalls, mailings or other means to do so.

It is not reasonable to expect implementation to go off without a hitch. A community-based model of restorative justice may have tremendous potential even if the first attempts to implement it are not flawless. In a test case, it can be expected that weaknesses or obstacles will appear once the design is in operation. If failure can be viewed and accepted as part of the learning process, then the shortcomings revealed during implmentation will help improve the model for more effective use by the community.